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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-fifth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 29th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 11 May 2001, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/2001/SR.29/Add.1.

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The meeting was called to order at 10.05 a.m.

FORMULATION OF SUGGESTIONS AND RECOMMENDATIONS OF A GENERAL NATURE BASED ON THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES TO THE COVENANT AND BY THE SPECIALIZED AGENCIES (agenda item 10) (continued)

Review of methods of work of the Committee (document without a reference number) (continued)

1. The CHAIRPERSON recommended that, since the Committee had already discussed the extract from the draft report on its twenty-fifth session to the Economic and Social Council extensively, it should now proceed to adopt it.

2. The extract from the report of the Committee on its twenty-fifth session was adopted.

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 9) (continued)

3. The CHAIRPERSON said that the reports to be scheduled for consideration at the Committee's twenty-seventh session were those of Algeria, Colombia, Croatia, France, Jamaica and Sweden.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 5) (continued)

Day of General Discussion

4. The CHAIRPERSON said the next Day of General Discussion, on article 3 of the Covenant, would be held during the twenty-eighth session in April-May 2002.

Decision on non-governmental organizations' (NGOs') submission on Zambia

5. The CHAIRPERSON said the bureau was satisfied that the NGOs' report on Zambia met the required terms and recommended that it should be forwarded, under a covering letter, to the World Bank, the International Monetary Fund (IMF) and the State party for comment.

6. It was so decided.

7. Mr. HUNT said he would like to urge the Secretariat to attend to the matter as expeditiously as possible, as it had been before the Committee for more than 12 months.

Proposed amendments to the draft declaration and programme of action of the World Conference against Racism

8. The CHAIRPERSON read out the following proposed amendments to the draft declaration and programme of action of the World Conference against Racism:

"Regarding section II on education, training and public information, the second sentence of paragraph 7 could be rephrased as follows:

'The World Conference underlines the crucial role of education, in particular human rights education, in the prevention and eradication of all forms of intolerance and discrimination. In this regard, it is important to recognize the right to education enshrined in article 13 of the International Covenant on Economic, Social and Cultural Rights and in particular that education should be directed to the full development of the human personality and the sense of its dignity and strengthens respect for human rights and fundamental freedoms. The World Conference urges States to reinforce the anti-discrimination component of the school curricula and to improve educational materials on human rights, in order to shape attitudes and behavioural patterns based on the principles of non-discrimination, mutual respect and tolerance.'

"Regarding section VI on racism and poverty, the Committee suggests that the following paragraph be inserted before paragraph 31:

'The World Conference recognizes that conditions of poverty resulting in deprivation of an adequate standard of living including the right to food, housing, health and education constitute a denial of human rights and serve to fuel racism, racial discrimination, xenophobia and related intolerance.'"

9. She recommended that the Committee should adopt the proposed amendments as its contribution to the draft declaration and programme of action, and that she should forward them to the Secretary-General of the World Conference.

10. It was so decided.

11. The CHAIRPERSON said that Mr. Malinverni would represent the Committee on the Preparatory Committee for the World Conference against Racism and that Mr. Sadi and herself would represent the Committee at the World Conference itself.

Submission of the Committee's Statement on poverty to the Third United Nations Conference on the Least Developed Countries

12. The CHAIRPERSON recommended sending the Statement on poverty adopted by the Committee on 4 May 2001 to the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), for submission to the Third United Nations Conference on the Least Developed Countries, to be held in Brussels from 14 to 20 May 2001.

13. It was so decided.

Thirteenth meeting of chairpersons of the human rights treaty bodies

14. The CHAIRPERSON said that the thirteenth meeting of chairpersons of the human rights treaty bodies, to be held from 18 to 22 June 2001, would include a full day of consultations with representatives of States parties, in response to a request from Governments, who had found the half day of consultations at the twelfth meeting extremely useful.

Cooperation between the Committee and UNESCO

15. The CHAIRPERSON said that, on 21 May 2001, she would be making a presentation to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Committee on Conventions and Recommendations, and discussing possible areas of cooperation and mutual assistance between UNESCO and the Committee on Economic, Social and Cultural Rights. She would like a mandate from the Committee to respond to any opinions expressed and proposals put forward by UNESCO on matters she believed would enhance that relationship, unless the implications were such that it was essential to refer back to the Committee first.

16. It was so decided.

Workshop on the integration of human rights into Poverty Reduction Strategy Papers

17. Mr. HUNT suggested that, as a follow-up to the recent meeting with the High Commissioner for Human Rights, the Committee should request the Chairperson to write to the High Commissioner asking her to organize a small workshop, in conjunction with the Committee, on the integration of human rights into Poverty Reduction Strategy Papers.

18. It was so decided.

The right to adequate housing

19. Mr. KOTHARI (Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living) said the Committee had had a great influence on his work. Its concluding observations had been of particular importance and the definition of the right to adequate housing he had adopted in his first report to the Commission on Human Rights (E/CN.4/2001/51) had been inspired by the Committee's work. An analysis of the concluding observations was available on the Special Rapporteur's homepage on the Web (www.unhchr.ch/html/menu2/i2/i2ecohou.htm). The report had highlighted a number of issues of concern to the Committee, including the impact of economic globalization; women's rights to housing, property and land; poverty; international cooperation; and the justiciability of the right to adequate housing.

20. The Commission had taken note of the report at its fifty-seventh session and there had been a number of developments. The controversy surrounding the right to adequate housing continued, with some States maintaining that it was not a distinct right but a component of the right to an adequate standard of living. Indeed, the resolution eventually adopted by the Commission (2001/28) mentioned it only in those terms. That was a serious development and one that needed to be countered. Nevertheless, there were a number of positive aspects to the

resolution, including a request to OHCHR and the United Nations Centre for Human Settlements (Habitat) to consider developing a joint housing rights programme and a mandate to the Special Rapporteur to cooperate closely with the treaty bodies, both directly and through OHCHR.

21. Referring to the forthcoming Special Session of the General Assembly for an overall review and appraisal of the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II), held in Istanbul in 1996, he said he was concerned that the draft declaration for the General Assembly did not mention the right to adequate housing or the Covenant. That represented a step backwards from the hard-won position achieved in 1996. He therefore requested the Committee to send a letter to the General Assembly confirming the position it had adopted in 1996, when it had clearly outlined the extensive work it had done on the right to adequate housing, including its General Comment No. 4, and had made the point that the right to adequate housing was central to the Covenant and should be seen as a distinct right.

22. Other areas where the Special Rapporteur and the Committee could cooperate included preparation for country missions by the Special Rapporteur; information sharing, including through the Rapporteur's home page; follow-up to State party reports, for example by informing the Committee if housing conditions in a particular country needed urgent attention; and globalization.

23. Globalization was an area that required attention across the United Nations human rights system and Special Rapporteurs on various themes could work together on the issue. A number of emerging issues had implications for the mandates of the Committee and the Special Rapporteur, in particular the General Agreement on Trade in Services (GATS) and the Free Trade Area of the Americas (FTAA); access to water; international cooperation; and land reform. He would highlight the importance of the Covenant and the Committee's work at meetings with other treaty bodies. NGOs could play a role in the Committee's and the Special Rapporteur's work by focusing on the countries whose reports were scheduled for consideration by the Committee at forthcoming sessions.

24. He would be glad if the Committee could appoint a focal point to facilitate cooperation. The right to adequate housing was under considerable attack and he would like the Committee's support in ensuring that it and other human rights were emphasized at world conferences and in other forums.

25. Mr. TEXIER suggested that the Chairperson should send a message to the Special Session of the General Assembly updating the Committee's position on the right to adequate housing. The battle for recognition of the right to adequate housing as a human right was not yet won.

26. In view of the legal and political issues arising in respect of the possible optional protocol, it might be good to aim at the establishment within the Commission on Human Rights of an open-ended working group on the optional protocol, to which the Special Rapporteurs and independent experts on the various themes could present documents. That would allow the Special Rapporteur on the right to adequate housing to address the issue of justiciability.

27. The CHAIRPERSON suggested requesting the Committee's pre-sessional working group to draft a joint letter from the Committee and the Special Rapporteur to the Special Session of the General Assembly.

28. Mr. HUNT said he wholeheartedly supported the idea of appointing a Committee member as a focal point on the right to adequate housing.

29. The CHAIRPERSON said a focal point could be appointed formally sometime in the near future.

The public part of the meeting rose at 10.50 a.m.